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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,472	03/31/2004	Norihiro Edwin Aoki	AOL0131	1207

22862 7590 05/06/2005

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EXAMINER

TRAN, CONGVAN

ART UNIT PAPER NUMBER

2683

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/816,472	Applicant(s) NORIHIRO ET AL.	
	Examiner CongVan Tran	Art Unit 2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-19,21-34,36-46 and 48-59 is/are rejected.
- 7) ☒ Claim(s) 4,20,35 and 47 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/26/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5-10, 15-19, 21-26, 28, 32-34, 36-41, 43-46, 48-53 and 59 are rejected under 35 U.S.C. 102(b) as being anticipated by Palamara et al. (5,963,866).

Regarding claims 1, 17, 32, and 44, Palamara discloses a wireless location messaging, comprising the steps of:

receiving a location identifier and a user identifier from a user in connection with a request for communication within the network (see fig.2, fig.4, step 405, col.7, lines 24-54 and its description);

retrieving a user profile associated with said user identifier, said user profile comprising at least one store location identifier (see fig.2, fig.4, step 410, col.7, lines 24-54 and its description); and

comparing said location identifier to said at least one stored location identifier to determine matching location identifiers (see fig.2, fig.4, step 420, col.7, line 54-col.8, line 24 and its description).

Regarding claims 2, 5, 8-9, 18, 21, 24-25, 33, 36, 39-40, 45, 48 and 51-52, Palamara further discloses receiving location information from said user if said location

identifier fails to match said at least one stored location identifier (see fig.2, fig.4, step 415, col.7, line 54-col.8, line 24 and its description).

Regarding claims 3, 19, 34, and 46, Palamara further discloses directing said user to a network operator to provide said location information (see fig.1, element 28/48 and its description); and upon receipt, storing said location information with said location identifier and said user identifier in said user profile, said location identifier information being stored as current location information (see fig.1, element 26 and its description).

Regarding claims 6-7, 15-16, 22-23, 28, 37-38, 43, 48-50, and 59, Palamara further discloses presenting a network readiness signal to said user if said location identifier matches said at least one stored location identifier (see fig.2, fig.4, step 420, col.7, line 54-col.8, line 24 and its description).

Regarding claims 10, 26, 41 and 53, Palamara further discloses using a network Global Positioning System (GPS) to retrieve said location information of said user. (see col.4, lines 14-40).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11-14, 27, 29-31, 42, and 54-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palamara et al. (5,963,866).

Art Unit: 2683

5. Regarding claims 11-14, 27, 29-31, 42, and 54-57 the Examiner takes Official notice that these features are structurally integrated with telecommunication service associated with said communication system is notoriously well know in the art.

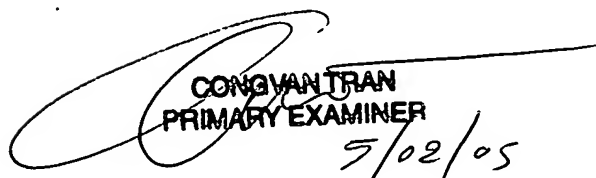
Allowable Subject Matter

6. Claims 4, 20, 35, 47 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CongVan Tran whose telephone number is 571-272-7871. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


CONGVAN TRAN
PRIMARY EXAMINER
5/02/05

CongVan Tran
Primary Examiner
Art Unit 2683